



Docket No. 1572.1300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ja-goun Koo

Application No.: 10/822,842

Group Art Unit: 2115

Filed: April 13, 2004

Examiner: Vincent Huy Tran

For: PORTABLE COMPUTER USING A FUEL CELL

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the Detailed Action attached to the Notice of Allowability mailed August 18, 2006, the Office provides a Statement of Reasons for Allowance (Statement). It is respectfully submitted that this Statement is not in compliance with the requirements set forth in the Manual of Patent Examining Procedure (MPEP) §1304.12 and therefore should be disregarded. MPEP § 1304.12 instructs that "[w]here specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims. However, it is respectfully submitted that the Statement does not provide a complete and accurate picture of the patentability of the claims of the subject application.

The Statement identifies a feature or features not recited in all of the independent claims. By way of example, the Statement identifies structural features not recited by independent claim 16, which is a method claim. Also, even independent claim 11, which is an apparatus claim, does not recite the specified features identified in the Statement. Further, the discrepancies between the Examiner's Reasons and the recited claims are not limited to those specifically listed herein.


It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and should therefore be disregarded.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11-20-06

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